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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/411,435	10/01/1999	JENS-UWE JURGENSEN	450117-02158	8298

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EXAMINER	
PERSINO, RAYMOND B	
ART UNIT	PAPER NUMBER
2681	

DATE MAILED: 10/03/2002

Please find below and/or attached an Office communication concerning this application or proceeding.

Application No.	Applicant(s)	
09/411,435	JURGENSEN ET AL.	
Examiner	**Art Unit**	
Raymond B. Persino	2681	

Office Action Summary

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE ____ MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☐ Responsive to communication(s) filed on _____ .

2a)☐ This action is **FINAL**. 2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-21* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1-4,8-11 and 15-18* is/are rejected.

7)☒ Claim(s) *5-7,12-14 and 19-21* is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

11)☐ The proposed drawing correction filed on _____ is: a)☐ approved b)☐ disapproved by the Examiner.

If approved, corrected drawings are required in reply to this Office action.

12)☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

13)☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☒ All b)☐ Some * c)☐ None of:

1.☒ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____ .

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

14)☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).

a) ☐ The translation of the foreign language provisional application has been received.

15)☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s) *1 & 7* .
4) ☐ Interview Summary (PTO-413) Paper No(s). _____ .
5) ☐ Notice of Informal Patent Application (PTO-152)
6) ☐ Other: .

DETAILED ACTION

Claim Rejections - 35 USC § 102

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

> A person shall be entitled to a patent unless –
>
> (e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371(c) of this title before the invention thereof by the applicant for patent.

The changes made to 35 U.S.C. 102(e) by the American Inventors Protection Act of 1999 (AIPA) do not apply to the examination of this application as the application being examined was not (1) filed on or after November 29, 2000, or (2) voluntarily published under 35 U.S.C. 122(b). Therefore, this application is examined under 35 U.S.C. 102(e) prior to the amendment by the AIPA (pre-AIPA 35 U.S.C. 102(e)).

2. Claims 1-3, 8-10 and 15-17 are rejected under 35 U.S.C. 102(e) as being anticipated by Wright et al (US 6,240,083 B1).

Regarding claim 1, Wright et al discloses a device for transmitting and receiving data in a digital telecommunication system, in which a random access channel for transmitting random access bursts is provided, with generating means (48/50 of figure 7) for generating a random access burst comprising a preamble part for acquiring a part of said random access channel and at least one message part for transmitting data in said acquired part of said random access channel, the number of message parts depending on an amount of data to be transmitted in the message parts, whereby in

case that two or more message parts are generated, the generating means generates said random access burst with at least one continuation indicator indicating said two or more message parts, and transmitting means (54 of figure 7) for transmitting said random access burst generated by said generating means (column 10 lines 28-63, column 13 lines 1-25, column 14 lines 5-9, column 15 lines 39-65, and column 18 line 34 to column 19 line 2).

Regarding claim 2, see the rejection of claim 1 regarding the subject matter this claim is dependant upon. Wright et al further discloses that said generating means generates a random access burst comprising two or more message parts so that a continuation indicator is contained in at least the first message part (column 15 lines 39-65).

Regarding claim 3, see the rejection of claim 1 regarding the subject matter this claim is dependant upon. Wright et al further discloses that that said generating means generates a random access burst comprising two (but not more than 2, however 2 meets the claimed limitation) message parts so that each preceding message part comprises a continuation indicator indicating an immediately succeeding message part (column 15 lines 39-65).

Regarding claim 8, Wright et al discloses a device for transmitting and receiving data in a digital telecommunication system, in which a random access channel for transmitting random access bursts is provided, with receiving means (32 of figure 6) for receiving a random access burst comprising a preamble part for acquiring a part of said random access channel and at least one message part for transmitting data in said

acquired part of said random access channel, the number of message parts depending on an amount of data to be transmitted in the message part, detecting means (36/38 of figure 6) for detecting a continuation indicator in a received random access burst, said continuation indicator indicating that said random access burst comprises at least two message parts, and reserving means (38 of figure 6) for reserving a further part of said random access channel for receiving said message parts upon detection of said continuation indicator (column 10 lines 28-63, column 11 line 30 to column 12 line 10, column 14 line 51 to column 15 line 10).

Regarding claim 9, see the rejection of claim 8 regarding the subject matter this claim is dependant upon. Wright et al further discloses that said detecting means is adapted to detect said continuation indicator in at least a first received message part (column 14 line 51 to column 15 line 10).

Regarding claim 10, see the rejection of claim 8 regarding the subject matter this claim is dependant upon. Wright et al further discloses that said reserving means, upon detecting said continuation indicator in a received message part, reserves a further part of said random access channel for an immediately succeeding message part (column 14 line 51 to column 15 line 10). (For when there are two messages but not more, however two meets the claimed limitation)

Regarding claim 15, Wright et al discloses a method for transmitting and receiving random access bursts in a random access channel of a digital telecommunication system, with the steps of generating a random access burst comprising a preamble part for acquiring a part of said random access channel and at

least one message part for transmitting data in said acquired part of said random access channel, the number of message parts depending on an amount of data to be transmitted in the message parts, whereby in case that two or more message parts are generated, said random access burst is generated with a continuation indicator indicating a succeeding message part, transmitting said generated random access burst, receiving said random access burst detecting said continuation indicator in said received random access burst and reserving a further part of said random access channel for receiving at least two message parts (column 10 lines 28-63, column 13 lines 1-25, column 11 line 30 to column 12 line 10, column 14 lines 5-9, column 14 line 51 to column 15 line 65, and column 18 line 34 to column 19 line 2).

Regarding claim 16, see the rejection of claim 15 regarding the subject matter this claim is dependant upon. Wright et al further discloses that in a random access burst comprising two or more message parts a continuation indicator is contained in at least the first message part (column 15 lines 39-65).

Regarding claim 17, see the rejection of claim 15 regarding the subject matter this claim is dependant upon. Wright et al further discloses that a random access burst comprising two (but not more than 2, however 2 meets the claimed limitation) message parts each preceding message part comprises a continuation indicator indicating an immediately succeeding message part (column 15 lines 39-65).

3. Claims 1-4, 8-11 and 15-18 are rejected under 35 U.S.C. 102(e) as being anticipated by Wright et al (US 6,240,083 B1).

Regarding claim 1, Wright et al alternatively discloses as prior art transmitted random access bursts comprising a preamble part for acquiring a part of said random access channel and at least one message part for transmitting data in said acquired part of said random access channel, the number of message parts depending on an amount of data to be transmitted in the message parts, whereby in case that two or more message parts are generated, the generating means generates said random access burst with at least one continuation indicator indicating said two or more message parts (figure 2 and column 2 lines 37-60).

Regarding claim 2, see the alternative rejection of claim 1 regarding the subject matter this claim is dependant upon. Wright et al further discloses that the random access burst comprises two or more message parts so that a continuation indicator is contained in at least the first message part (figure 2 and column 2 lines 37-60).

Regarding claim 3, see the alternative rejection of claim 1 regarding the subject matter this claim is dependant upon. Wright et al further discloses that the random access burst comprises two or more message parts so that each preceding message part comprises a continuation indicator indicating an immediately succeeding message part (figure 2 and column 2 lines 37-60).

Regarding claim 4, see the alternative rejection of claim 1 regarding the subject matter this claim is dependant upon. Wright et al further discloses that the random access burst comprising two or more message parts so that the last of the message parts comprises an end indicator indicating the message part to be the last message part (figure 2 and column 2 lines 37-60).

Regarding claim 8, Wright et al alternatively discloses transmitting and receiving data, in which a random access channel for transmitting random access bursts is provided, receiving a random access burst comprising a preamble part for acquiring a part of said random access channel and at least one message part for transmitting data in said acquired part of said random access channel, the number of message parts depending on an amount of data to be transmitted in the message part, a continuation indicator in a received random access burst, said continuation indicator indicating that said random access burst comprises at least two message parts, and reservation of a further part of said random access channel for receiving said message parts (figure 2 and column 2 lines 37-60).

Regarding claim 9, see the alternative rejection of claim 8 regarding the subject matter this claim is dependant upon. Wright et al further discloses a continuation indicator in at least a first received message part (figure 2 and column 2 lines 37-60).

Regarding claim 10, see the alternative rejection of claim 8 regarding the subject matter this claim is dependant upon. Wright et al further discloses that upon detecting said continuation indicator in a received message part, reserving a further part of said random access channel for an immediately succeeding message part (figure 2 and column 2 lines 37-60).

Regarding claim 11, see the alternative rejection of claim 8 regarding the subject matter this claim is dependant upon. Wright et al further discloses an end indicator in a received message part, said end indicator indicating the message part to be the last message part of at least two message parts, whereby said reserving means terminates

the reservation of the random access channel upon the detection of said end indicator (figure 2 and column 2 lines 37-60).

Regarding claim 15, Wright et al alternatively discloses transmitting and receiving random access bursts in a random access channel, a random access burst comprising a preamble part for acquiring a part of said random access channel and at least one message part for transmitting data in said acquired part of said random access channel, the number of message parts depending on an amount of data to be transmitted in the message parts, whereby in case that two or more message parts are generated, said random access burst is generated with a continuation indicator indicating a succeeding message part, transmitting said generated random access burst, receiving said random access burst detecting said continuation indicator in said received random access burst and reserving a further part of said random access channel for receiving at least two message parts (figure 2 and column 2 lines 37-60).

Regarding claim 16, see the alternative rejection of claim 15 regarding the subject matter this claim is dependant upon. Wright et al further discloses that the random access burst comprises two or more message parts so that a continuation indicator is contained in at least the first message part (figure 2 and column 2 lines 37-60).

Regarding claim 17, see the alternative rejection of claim 15 regarding the subject matter this claim is dependant upon. Wright et al further discloses that the random access burst comprises two or more message parts so that each preceding

message part comprises a continuation indicator indicating an immediately succeeding message part (figure 2 and column 2 lines 37-60).

Regarding claim 18, see the alternative rejection of claim 15 regarding the subject matter this claim is dependant upon. Wright et al further discloses that the random access burst comprising two or more message parts so that the last of the message parts comprises an end indicator indicating the message part to be the last message part (figure 2 and column 2 lines 37-60).

Allowable Subject Matter

4. Claims 5-7, 12-14, and 19-21 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

5. The following is a statement of reasons for the indication of allowable subject matter:

Regarding claim 5, the prior art does not disclose that said random access channel comprises a number of random access slots being divided into a first section containing contention based random access slots and a second section containing reservation based random access slots, whereby said transmitting means transmits the preamble part of a random access burst comprising two or more message parts in said second section. Thus, claim 5 comprises a unique combination of subject matter that is neither taught nor suggested by the prior art.

Regarding claim 12, the prior art does not disclose that said random access channel comprises a number of random access slots being divided into a first section containing contention based random access slots and a second section containing reservation based random access slots, whereby after the reception of a preamble part of a random access burst in said second section, said reserving means reserves a further part of said random access channel for receiving at least two message parts. Thus, claim 12 comprises a unique combination of subject matter that is neither taught nor suggested by the prior art.

Regarding claim 19, the prior art does not disclose that said random access channel comprises a number of random access slots being divided into a first section containing contention based random access slots and a second section containing reservation based random access slots, whereby the preamble part of a random access burst comprising two or more message parts is transmitted in said second section. Thus, claim 19 comprises a unique combination of subject matter that is neither taught nor suggested by the prior art.

Conclusion

6. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Chien et al (US 6,404,753 B1) discloses a method and apparatus for controlling access to a communication channel.

Bishop, Jr. et al (US 6,078,577 A) discloses a system and method for packet data communication.

Wolfe et al (US 4,763,325 A) discloses a demand assigned reformatting with overflow area for time division multiple access communication.

Buchholz et al (US 5,307,348 A) discloses a scheduling in a communication system.

Viero (US 2002/0089957 A1) discloses random access control method and system.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Raymond B. Persino whose telephone number is (703) 308-7528. The examiner can normally be reached on Monday-Thursday from 8:00 AM to 5:30 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Dwayne D. Bost can be reached on (703) 305-4778. The fax phone numbers for the organization where this application or proceeding is assigned are (703) 872-9314 for regular communications and (703) 872-9315 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 305-3900.

Raymond B. Persino RP
Examiner
Art Unit 2681

RP
September 29, 2002

NAY MAUNG
PRIMARY EXAMINER